

FILED  
*for Roanoke*  
JUL 15 2014

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

ROBERT W. DOUGHERTY,  
Petitioner,

v.

SAMUEL V. PRUETT,  
Respondent.

) Civil Action No. 7:14-cv-00058  
)  
)

) **ORDER**  
)

) By: Hon. Jackson L. Kiser  
) Senior United States District Judge

In accordance with the written Memorandum Opinion entered this day, it is hereby

**ORDERED**

that Respondent's motion to dismiss is **GRANTED**; the petition is **DISMISSED without prejudice** as moot; a certificate of appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to Petitioner and counsel for Respondent.

ENTER: This 15<sup>th</sup> day of July, 2014.

*[Signature]*  
Senior United States District Judge